

AG Contract No. KR98 0612TRN
ADOT ECS File No. JPA 97-31
COT Contract No. 0490-00
COT Resolution No. 18545
Project: 86PM170 H424101C
Section: SR-86, LaCholla Blvd.-
I-19

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF TUCSON

THIS AGREEMENT is entered into 27 APR 11, 2000,
pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as
amended, between the STATE OF ARIZONA, acting by and through its
DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF TUCSON,
acting by and through its MAYOR and CITY COUNCIL (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by Arizona Revised Statutes Section 48-572 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to an SR-86 minor improvement project between Kennedy Park and the Santa Cruz River Bridge contemplated by the State in the City, the City has requested the State to include signing, street lighting and sidewalk improvements, at a cost currently estimated at \$680,000.00, hereinafter referred to as the Project, for the safety and benefit of the motoring public.

THEREFORE, in consideration of the mutual agreements expressed herein,
it is agreed as follows:

NO. 23956
Filed with the Secretary of State
Date Filed: 04/27/00
Betsy Bayless
Secretary of State

By Dick D. Greenwood

II. SCOPE

1. The State will:

- a. Provide to the City, design plans prepared to State standards, specifications and such other documents and services required for construction bidding of the Project. Incorporate City review comments.
- b. Upon award of a construction contract by the City, pay the City for the reasonable direct actual cost of non-street lighting improvements for the Project, in an amount currently estimated at \$355,000.00.
- c. Provide to the City's contractor a no-cost right-of-way use permit for the purposes of constructing the improvements of the Project.
- d. Be responsible for any contractor claims for extra compensation attributable to the State on the Project.

2. The City will:

- a. Review the design documents and provide comments.
- b. Retain the right to cancel the Project in the event of excessive cost after bid opening but prior to the award of a construction contract.
- c. Assemble the plans, specifications, and construction contract documents in anticipation of advertising for construction bids. Call for bids and award one construction contract for the Project. Administer same and make all payments to the contractor. Obtain the concurrence of the State on any Project-related contract modifications in excess of \$5,000.00. Be responsible for any contractor claims for extra compensation attributable to the City on the Project.
- d. Be responsible for the cost of all street lighting improvements for the Project, currently estimated at \$325,000.
- e. Upon completion, approve and accept the Project on behalf of the parties hereto. Provide maintenance to the street lighting and to the sidewalks inside or outside the State right-of-way, and provide electrical energy to operate the street lighting.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until completion of said Project; provided, however, that this agreement, except any provisions herein for maintenance or electric energy, which shall be perpetual, may be cancelled at any time prior to the award of a construction contract, upon thirty (30) days written notice to the other party.

3. This agreement shall become effective upon filing with the Secretary of State.

4. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

5. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

6. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

7. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Department of Transportation
Joint Project Administration
205 South 17 Avenue, Mail Drop 616E
Phoenix, AZ 85007

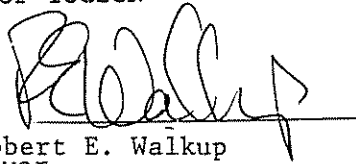
City of Tucson
Transportation Director
Box 27210
Tucson, AZ 85726-7210

8. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF TUCSON

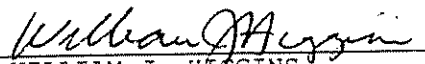
By


Robert E. Walkup
Mayor

STATE OF ARIZONA


Department of Transportation

By


WILLIAM J. HIGGINS
Deputy State Engineer

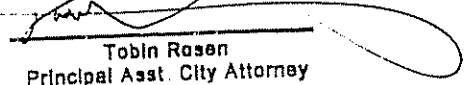
ATTEST

By


KATHLEEN S. DETRICK
City Clerk

Approved as to form

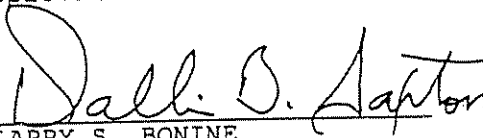
MARCH 6, 2003


Tobin Rosen
Principal Asst. City Attorney

RESOLUTION

BE IT RESOLVED on this 12th day of March 1997, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Intermodal Transportation Division, to enter into an agreement with the City of Tucson for the purpose of defining responsibilities for the design, construction and maintenance of highway lighting and sidewalks on SR-86, Mission Road to I-19 in the City.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.


for LARRY S. BONINE
Director

ADOPTED BY THE
MAYOR AND COUNCIL
MAR 20 2000

RESOLUTION NO. 18545

RELATING TO INTERGOVERNMENTAL AGREEMENTS; APPROVING AND AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE ARIZONA DEPARTMENT OF TRANSPORTATION TO ACCEPT PARTIAL FUNDING FOR CONSTRUCTION OF PEDESTRIAN SIDEWALK, CURB ACCESS RAMPS AND STREET LIGHTING ALONG AJO WAY FROM LA CHOLLA TO THE SANTA CRUZ RIVER.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Intergovernmental Agreement with the Arizona Department of Transportation to accept partial funding for construction of pedestrian sidewalk, curb access ramps and street lighting along Ajo Way from La Cholla to the Santa Cruz River, attached hereto, is approved.

SECTION 2. The Mayor is hereby authorized and directed to execute the said Intergovernmental Agreement for and on behalf of the City of Tucson and the City Clerk is directed to attest the same.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

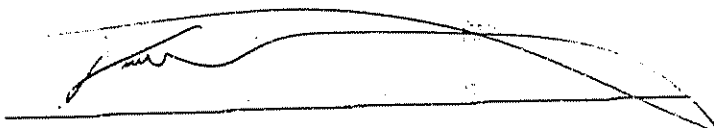
SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist and this resolution shall be effective immediately upon its passage and adoption.

JPA 97-31

APPROVAL OF THE TUCSON CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF TUCSON and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 5th day of April, 2000.



PA. ASX City Attorney



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

JANET NAPOLITANO
ATTORNEY GENERAL

TRN Main: (602) 542-1680

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Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025

FACSIMILE: (602) 542-4085

INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR98-0612TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED April 19, 2000.

JANET NAPOLITANO
Attorney General

JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/622539

Enc.